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Attorneys for Defendants
Schwab Investments, Charles Schwab & Co., Inc., Charles
Schwab Investment Management, Inc., and
Schwab Total Bond Market Fund

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

NORTHSTAR FINANCIAL ADVISORS INC.
on behalf of itself and all others similarly situated,

Plaintiff,

v.

SCHWAB INVESTMENTS, CHARLES
SCHWAB & CO., INC., CHARLES SCHWAB
INVESTMENT MANAGEMENT, INC., and
SCHWAB TOTAL BOND MARKET FUND,

Defendants.

Case No. CV-08-4119 SI

CLASS ACTION

**STIPULATION AND [PROPOSED]
ORDER EXTENDING TIME TO
RESPOND TO COMPLAINT**

1 WHEREAS, Plaintiff commenced this Action by filing a complaint dated August 23, 2008
2 (the "Complaint");

3 WHEREAS, the Complaint asserts claims under section 13(a) of the Investment Company
4 Act of 1940 as well as state law claims for breach of fiduciary duty, breach of contract, and
5 breach of the covenant of good faith and fair dealing on behalf of a purported class;

6 WHEREAS, defendants' response date in this action is currently November 7, 2008, and
7 this is the first request made for an extension of time;

8 WHEREAS, defendants intend to file a motion to dismiss the Complaint;

9 WHEREAS, the parties met and conferred about a mutually agreeable briefing schedule in
10 light of holiday schedules and the time required to prepare briefs related to a motion to dismiss;

11 WHEREAS, the parties have agreed to a schedule that extends the parties' time to file
12 briefs related to defendants' motion to dismiss; and

13 WHEREAS, the parties intend to request that a hearing on the motion to dismiss be held
14 on January ¹⁶~~9~~, 2009.

15 IT IS HEREBY STIPULATED AND AGREED among the undersigned parties as
16 follows:

- 17 1. Defendants shall respond to the Complaint by November 20, 2008;
- 18 2. Plaintiffs shall file an opposition by December 11, 2008; and
- 19 3. Defendants shall file a reply brief by December 23, 2008.

20 SO STIPULATED.

21 ///

22 The initial case management conference has been continued
23 to Friday, February 6, 2009, at 2:00 p.m.

1 Dated: October 10, 2008

DARRYL P. RAINS
STUART C. PLUNKETT
K.C. ALLAN WALDRON
MORRISON & FOERSTER LLP

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5 By: /s/ Darryl P. Rains
Darryl P. Rains

6 Attorneys for Defendants

7 SCHWAB INVESTMENTS, CHARLES
8 SCHWAB & CO. INC., CHARLES
9 SCHWAB INVESTMENT
MANAGEMENT, INC., AND
SCHWAB TOTAL BOND MARKET FUND

10 Dated: October 10, 2008

CHRISTOPHER HEFFELFINGER
BERMAN DEVALERIO PEASE TABACCO
BURT & PUCILLO

11
12
13 By: /s/ Christopher Heffelfinger
Christopher Heffelfinger

14 Of Counsel:

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23 Attorneys for Plaintiff
NORTHSTAR FINANCIAL ADVISORS INC.

24
25 IT IS SO ORDERED.

26 Dated: October ____, 2008

27 HONORABLE SUSAN ILLSTON
28 UNITED STATES DISTRICT JUDGE

1 I, Darryl P. Rains, am the ECF User whose ID and password are being used to file this
2 Stipulation and [Proposed] Order Extending Time to Respond to Complaint. In compliance with
3 General Order 45, X.B., I hereby attest that Christopher Heffelfinger has concurred in this filing.

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5 Dated: October 10, 2008

MORRISON & FOERSTER LLP

6 By: /s/ Darryl P. Rains
7 Darryl P. Rains

8 Attorney for Defendants
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